

## **REMARKS**

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, some changes of editorial nature have been made in Claims 1-3, 16 and 19.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner rejected Claims 1-3, 5, 6, 9, 11-13, 15, 16, 18, and 19 under 35 U.S.C. §102(e) as being unpatentable over Shimizu, U.S. Patent No. 6,402,208 (Shimizu). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of, respectively, Baukholt, et al., U.S. Patent No. 5,992,194 (Baukholt). Claims 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of Malone et al., U.S. Patent No. 5,220,153 (Malone). Claims 15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of, respectively, U.S. Patent No. 4,776,619 (Daugherty), and Finkelstein, et al., U.S. Patent No. 5,887,916 (Finkelstein).

It is respectfully submitted that Claims 1-7 and 9-19 are patentable over the cited references.

In the locking device according to claim 1, the locking procedure is broken up in two phases:

In the first phase, the catch hook 12 is pivoted together with the swiveling lever 8. In this phase, the angles of rotation of the swiveling lever 8 and of the catch hook 12 are identical because the catch hook 12 is supported on pivot axis 11 and biased by spring means 17 against guide element 9 pivot axis 11 and guide element 9, both having fixed positions relative to swiveling lever 8. The first phase ends when catch hook 12 impinges on the closing edge 4 of the closure 2. In, the second phase, the swiveling lever 8 moves the hooked end 15 of catch hook 12 substantially downwards and, thus, pulls the closure in the closing position. The swiveling lever 8 pulls the hooked end 15 substantially downwards because guide element 9 moves within cam segment 14 on a circular path around the pivot axis 11. In the second phase, catch hook 12 is directly biased by spring means 17 against the closing edge 4.

Due to the considerable angle of simultaneous rotation of swiveling lever 8 and catch hook 12 in the first phase, it is possible to arrange the swiveling lever in the aperture position so as to be completely pivoted into the housing

and to form the closing edge 4 on an element which is accessible from the underside of the closure, but does not project therefrom (compare Figures 1 and 2). This means that the housing of the closure does not have projecting elements that are annoying or apt to cause accidents. Already at the end of the first phase, the hooked end 15 of catch hook 12 securely grips closing edge 4 of closure 2 even before closure 2 is completely closed. In the second phase the catch hook 12 securely grips and pulls the closure onto the seals or into a closing position. This makes it very safe and easy to close the closure. Additionally, the spring means 17 is an elastic element which may prevent damage from the locking device when the hooked end 15 engages closing edge 4.

In Shimizu, the latch arm ("catch hook") 18 is supported on a pivot axis constituted by vertical projections 24 and 25 which are received within arcuate slots 26 of bracket member ("swiveling lever") 13 and 27 of platform 8 of support plate 6. Catch hook 18 is not supported on swiveling lever 13 on a pivot axis at a fixed position relative to the swiveling lever 13.

On the axis of rotation PP of swiveling lever 13 projection a guide element 12 is provided. The projection guide element 12 engages elongate aperture ("cam segment") 19 which is linear and parallel to the axis of catch

hook 18. Cam segment 19 is not concentric to pivot axis 24, 25 of catch hook 18.

Spring 31 is provided for biasing swiveling lever 13 alternatively towards the latching or unlatching position. Therefore, one end of spring 31 is connected to an anchor 32 formed in the support plate 6 and the other end is connected to an anchor 33 formed in the intermediate wall 16 of a swiveling lever 13. Spring 31 biases bracket member 13 in the latching and unlatching position but not catch hook 22 against a first stop of linear cam 19.

Handle 17 is rigidly fixed to the upper wall 14 of bracket member 13.

When the handle 17 and the bracket member 13 are pivoted about the rivet 12 in directions A and B respectively, the slots 26 and 27 guide and move the corresponding projection 24 and 25 and thereby positively move the catch hook 18 with the cam 19 along the rivet 12 from the unlatching to the latching position and vice versa. A considerable angle of rotation of the bracket member 13 leads only to a small pivoting and descending movement of the catch hook 18 (compare Figures 8 and 9). Consequently, the catch hook 18 considerably projects from the housing in the unlatching position and grips the closure safely not before the closure is completely closed (compare Figures 1 and 9). As the catch hook 18 is positively driven by handle 12 into the latching

the position catch hook 18 and the closing edge of closure member 23 can be damaged when the locking device is operated.

It is respectfully submitted that Shimizu neither anticipates the features and the respective functions of the locking device of claim 1 nor renders the locking device of claim 1 obvious.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Shimuzu and is allowable.

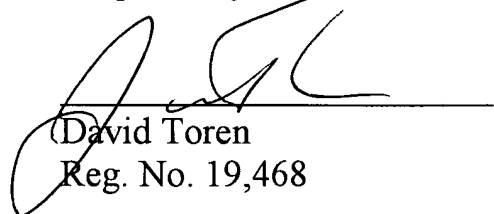
Claims 2-7 and 9-19 depend on Claim 1 and also allowable.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

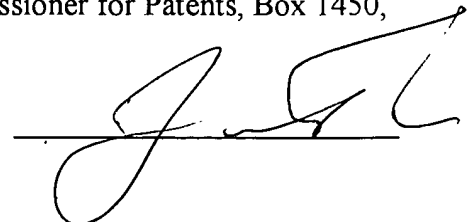
Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,

  
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I hereby certify that this correspondence is being deposited with the United State Postal Service as first class mail and addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on October 21, 2003.

  
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